

EXHIBIT B

From: Larkin, Arthur (Law) <alarkin@law.nyc.gov>
Sent: Monday, March 10, 2014 4:48 PM
To: Busalacchi, Stephanie; Joyce, Kimberly (Law)
Cc: Snyder, Lynda (Law); Lim, Daniel (Law); Grygiel, Heidi (Law); Oliver, Vincent (Law); Darigan, Stephanie (Law); Nunez Plaintiffs' Counsel; Cobb, Emily A.
Subject: RE: Nunez: ESI Production

We cannot agree to produce E-mails for every witness - or, for that matter, for any witness - two weeks in advance of his/her scheduled deposition date. In our status letter to the court of Feb. 13th, we made clear that we did not expect all of the E-mails for every custodian to be produced prior to that custodian's deposition.

As a result, in our view, your side's request to move these four depositions to Phase II because of the status of E-discovery is unnecessary. Some of them may have to be moved (for scheduling reasons), but as of now we anticipate that all of them should take place during Phase I (or, at least, sometime prior to April 14th), subject to the witness' availability, Kim Joyce's and mine. We will communicate with you separately regarding the schedule.

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From: Busalacchi, Stephanie [<mailto:Stephanie.Busalacchi@ropesgray.com>]
Sent: Friday, March 07, 2014 5:36 PM
To: Larkin, Arthur (Law); Joyce, Kimberly (Law)
Cc: Snyder, Lynda (Law); Lim, Daniel (Law); Grygiel, Heidi (Law); Oliver, Vincent (Law); Darigan, Stephanie (Law); Nunez Plaintiffs' Counsel; Cobb, Emily A.
Subject: Nunez: ESI Production

Kim and Arthur,

As you know, we have not received the ESI needed to depose any of the four supervisory Defendants whose depositions were moved by the Court from Phase 2 of the discovery plan into Phase 1. Those deponents and their noticed deposition dates are: Rose Agro Doyle (3/28), Edmond Duffy (3/31), Kathleen Mulvey (4/2), and Emmanuel Bailey (4/4). We cannot depose those individuals without having time to review all of the relevant ESI before their depositions, as our document requests covering this material, served on September 6, 2012 and February 7, 2013, had contemplated. We will need to receive a complete ESI production for each deponent no later than two weeks before his or her deposition. For the first noticed deposition, Rose Agro Doyle, that date is next Friday, March 14th.

Given the current state of the City's review and production of ESI, it seems apparent that the City will not be able to produce complete ESI in sufficient time for any of these depositions as they are currently noticed. Please advise by return email if, in fact, we will be getting complete ESI for any of the above-listed deponents at least two weeks before his or her current deposition date and, if so, for whom and when complete ESI for that deposition will be produced. Otherwise, we see no alternative to advising the Court that we will not be in a position to take those four depositions as contemplated by the Court's Order. We would like to be able to advise the Court that we will be able to take those depositions in Phase 2 (by June 13, 2014), but we will only be in a position to do so if we have complete ESI for each deponent at least two weeks before his or her rescheduled deposition date (which would need to be reset). Please advise by return email if you will be in a position to produce on that timeline.

We look forward to hearing from you soon, because we need to timely advise the Court.

Regards,
Stephanie

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